

### **REMARKS**

Applicant has had the opportunity to carefully consider the Examiner's comments as set forth in the Office Action mailed December 8, 2006. Applicant has also considered the Advisory Action dated April 13, 2007 and the telephone interview on April 24, 2007. In light of such, a Request for Continued Examination of the application is respectfully requested.

### **The Office Action**

The Examiner rejected claims 1 and 5-20 under 35 U.S.C. §103(a). The Examiner rejected 5-10 and 16-20 as being unpatentable over Ozaki (U.S. Patent No. 5,933,478) in view of Mousseau (U.S. Application No. 2001/0005864). The Examiner rejected claims 11 and 19 as being unpatentable over Ozaki in view of Wang (U.S. Patent No. 6,230,024). Examiner rejected claims 12-14 as being unpatentable over Ozaki in view of Wang and in further view of Sinisi (U.S. Application No. 2004/0128613). Finally, the Examiner rejected claim 15 as being unpatentable over Ozaki in view of Wang in further view of Sinisi, in further view of Cavill (U.S. Patent Application No. 2005/0009560).

### **The Subject Application**

By way of review, the claimed disclosure relates to a mobile device and a method for receiving and rendering an incoming fax message and for sending an outgoing fax message. The mobile device in the claimed disclosure is configured to accept a fax via a wireless network. The fax call is treated as a data call, such as a short messaging system message. In an example of a fax receive scenario, a user would receive a fax, while out of the office, not near a PC. Subsequently, the fax is sent to the users' mobile device. The wireless network would store the fax in a fax message database until it is ready to be rendered.

### **The Cited Art**

The Examiner cites its primary reference as Ozaki. Ozaki discloses a data transfer system and a hand held terminal device used therefore. Ozaki discloses a system where a message reception unit receives from a host computer a new arrival message indicating a new arrival of a file. The control unit analyzes the new arrival message to obtain identifier information for identifying the file. The line is then connected to the host computer and is established by a hand held phone transceiver unit. A fax transmitting user designates a designation hand held terminal device and transmits the fax image data to a communication server. The communication server

in turn stores the received fax image and transmits a fax arrival message to the pager. The user of the hand held terminal device informed of a fax arrival by the pager, confirms the fax brief image data contained in the message.

The Examiner also cites Mousseau which discloses a system and method for redirecting message attachments between a host system and a mobile data communication device. The system and method is implemented in order to push information from a host system to a mobile data communication device upon sensing a triggering event. A redirector program, operating at the host system, enables a user to continuously redirect certain user selected data items. The redirector program operates in connection with an event generating application and repackaging system at the host system to configure and detect a particular user defined event. The method involves receiving a message at a host system, separating the attachment from the message, redirecting the message, selecting an attachment displayer and redirecting the attachment from the host system to the selected attachment displayer.

The Examiner also cites Wang, which is directed towards a voice to digital fax transmission. Wang discloses the wireless communication network which includes a mobile station and a base station which are adapted to allow an ongoing voice call to be converted into a digital fax call. Wang also discloses this method without forcing a user to relinquish the line and to re-establish a call for the purposes of transmitting the digital fax. In operation, a call set up is complete for a mobile termination of a fax call that is initiated as a voice call and then changed to include the communication of digital fax signals.

The Examiner goes on to cite Sinisi as a reference. Sinisi is a system and method for mobile data collection. This disclosure relates to a system and a method for a hand held device which collects and integrates one or more forms of data from where on the hand held device provides a data collection template that is a visual display on the hand held device to provide a user interface for collecting the forms of data. The data collection template may be optimized during use of the hand held device to organize selections of the data collection template based on certain criteria.

Lastly, the Examiner cites Cavill. Cavill is a wireless fax adapter and system for printer and all in one devices. The device includes a facsimile module, a cell radio, one or more communication ports, and a data encoder. A data encoder is

configured to convert data transmitted between the fax module and the cell radio. The method for using the device includes receiving a fax data signal and a first format from a cellular network system and decoding the received fax data into a second format generating print data. The print data is corresponded to the received facsimile data in the second format and transmitting the print data to a printer to record an image of the print data.

**Amended claim 1 is not unpatentable over Ozaki in view of Mousseau.**

Regarding claim 1, the Examiner will appreciate that claim 1 has been amended. The new reading of claim 1 includes language that relates the incoming fax message to a data call that is stored in the mobile device. It also includes activating a user cue that is a short messaging system message. These amendments to claim 1 each find support in paragraphs 20 and 24. The Examiner rejected claim 1 in 35 U.S.C. §103(a) as being unpatentable over Ozaki in view of Mousseau. Because claim 1 now includes language that the incoming fax message is treated as a data call that is stored in the mobile device, coupled with the fact that the user cue is a short messaging system message, this claim should be allowed. The Examiner has asserted that other pieces of art show an incoming fax message. However, none of the cited art shows or suggests that this fax message is treated as a data call in the same manner that a short messaging system message is received. Furthermore, no piece of art is shown to suggest a user cue that uses a short messaging system message.

**Amended claim 11 is patentable over Ozaki in view of Wang.**

Amended claim 11 now includes the language that the storage device is fax message database. As stated previously, Ozaki in view of Mousseau does not disclose or suggest a fax message database that is used for storage. The Examiner states that Ozaki teaches storing incoming fax messages in a storage device associated with the wireless network, Item 114 in Figure 3 and Items 110, 120, 130 and 140 in Figure 1. The Examiner will appreciate that claim 11 has been amended in this manner in order to further clarify the claimed disclosure. Because Ozaki does not disclose nor suggest a storage device being a fax message database it is respectfully suggested that this rejection be withdrawn. Furthermore, the combination of Ozaki, Mousseau and the other cited references do not cure this deficiency.

Dependent claims 12, 13, 14 and 15 are all dependent directly or indirectly on

claim 11. It is therefore respectfully requested that the rejections to these claims be withdrawn.

**Amended claim 16 is patentable over Ozaki in view of Mousseau.**

The Examiner will appreciate that claim 16 has been amended in order to further clarify the claimed disclosure. Claim 16 now includes that fax messages are treated as a data call. Similar to claim 1, this amendment gains support from paragraph 20 and paragraph 24. None of previously cited references disclose or suggest that an incoming fax message be treated as a data call. Independent claim 16 is also amended to include that user cue notify the user via messaging. Again, none of the cited references disclose or suggest a user cue notifying a user via messaging that an incoming fax message was received. Because the combination of Ozaki and Mousseau do not teach these claimed elements, it is hereby respectfully requested that the rejections to this claim be withdrawn. It is also hereby asserted that none of the cited references, Wang Sinisi or Cavill can be combined to cure the above stated deficiency.

Lastly, all dependent claims remaining in the application (claims 5, 7-10, 12-15 and 17-20 are either directly or indirectly dependent from one of the independent claims (claims 1, 11 or 16). Therefore, it is hereby submitted that all claims remaining in the application are in condition for allowance. Therefore, it is hereby requested that the rejections to these claims be withdrawn.

### CONCLUSION

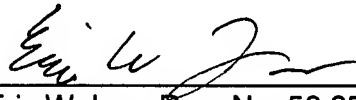
For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1 and 5-20) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Eric W. Lee, at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

5/7/07  
Date

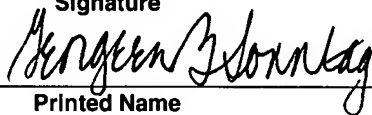
  
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